

**No. 13-20-00261-CV**

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FILED IN  
13th COURT OF APPEALS  
CORPUS CHRISTI/EDINBURG, TEXAS  
8/13/2020 1:59:08 PM  
KATHY S. MILLS  
Clerk

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**In The Court Of Appeals**  
**Thirteenth District Of Texas At Corpus Christi**

CERTAIN UNDERWRITERS AT LLOYD’S OF LONDON SUBSCRIBING TO  
POLICY NO. NAJL05000016-H87, as Subrogee of Momentum Hospitality, Inc. &  
75 and Sunny Hospitality d/b/a Fairfield Inn & Suites,  
*Plaintiff-Appellant*

v.

1113 STRUCTURAL ENGINEERS, PLLC, and  
MAYSE & ASSOCIATES, INC.,  
*Defendants-Appellees.*

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**Plaintiff-Appellant’s Unopposed Partial Voluntary Dismissal Against  
Defendant-Appellee 1113 Structural Engineers, PLLC**

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Pursuant to Texas Rule of Appellate Procedure 42.1(b), Plaintiff-Appellant Certain Underwriters At Lloyd’s Of London Subscribing To Policy No. NAJL05000016-H87, as Subrogee of Momentum Hospitality, Inc. & 75 and Sunny Hospitality d/b/a Fairfield Inn & Suites, hereby move for a partial dismissal of this appeal against Defendant-Appellee 1113 Structural Engineers, PLLC, “on terms agreed to by the parties,” Tex. R. App. P. 42.1(b), as follows:

1. Plaintiff-Appellant will dismiss the pending Thirteenth Circuit Appeal against Defendant-Appellee 1113 Structural Engineers, PLLC. Each party will bear its own fees and costs associated with the appeal.

2. Plaintiff-Appellant concurrently filed a Notice of Nonsuit With Prejudice of 1113 Structural Engineers, PLLC, which will dispose with finality all claims and controversies between Plaintiff-Appellant and Defendant-Appellee 1113 Structural Engineers, PLLC.

3. Counsel for Plaintiff-Appellant consulted with counsel for Defendant-Appellee, who have indicated that Defendant-Appellee does not oppose this motion.

### **CONCLUSION**

For the foregoing reasons, Plaintiff-Appellant's unopposed motion for voluntary dismissal should be granted.

Respectfully submitted,

**DENENBERG TUFFLEY**

/s/ Paul B. Hines

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Policy No. NAJL05000016-H87, as Subrogee of  
Momentum Hospitality, Inc. & 75 and Sunny  
Hospitality d/b/a Fairfield Inn & Suites*

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Associated Case Party: Certain Underwriters at Lloyd's of London Subscribing to Policy No. NAJL05000016

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Associated Case Party: KK Builders, LLC, D'Amato Conversano, Inc d/b/a DCI Engineers, 1113 Structural Engineers, PLLC and Mayse & Associates, Inc.

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